

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Andrew C. Eliason
Marcy J. Eliason
Debtor(s)

Bankruptcy Case No.: 15-11097-TPA
Per August 9, 2016 Proceeding
Chapter: 13
Docket No.: 39 – 22, 36
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 12, 2015 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,359.00 as of August, 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC Bank (Claim No. 5) .
- ☒ H. Additional Terms: 1) United Consumer Financial Service (Claim No. 1) governs to be paid at Trustee's Level 32 pro rata.
2) American Enterprises (Claim No. 2) governs to be paid at Trustee's Level 32 pro rata.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

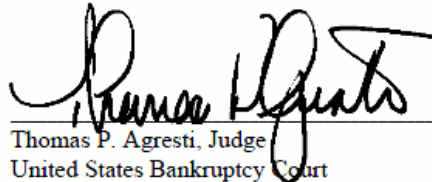
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: August 9, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Andrew C. Eliason
 Marcy J. Eliason
 Debtors

Case No. 15-11097-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 28

Date Rcvd: Aug 09, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2016.

db/jdb
 14121939 +Andrew C. Eliason, Marcy J. Eliason, 5250 Clemens Rd, Waterford, PA 16441-2010
 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Cen, Attn:Collection Center, Po Box 14931, Pittsburgh, PA 15234)
 14121937 Cci, Contract Callers I, Augusta, GA 30901
 14121940 +Continental Credit Ctr, Po Box 30348, Santa Barbara, CA 93130-0348
 14121941 +Creditech/Chalv, Attn:Collections, Po Box 99, Bangor, PA 18013-0099
 14121944 +ER Solutions/Convergent Outsourcing, INC, Po Box 9004, Renton, WA 98057-9004
 14121942 +Elissa M. Eliason, 6190 Dewey Road, Madison, OH 44057-9409
 14121943 +Eos Cca, Po Box 981008, Boston, MA 02298-1008
 14121946 +KML Law Group, PC, 701 Market St - Suite 5000, Philadelphia, PA 19106-1541
 14121947 +PNC Bank, NA, Attn: Bankruptcy Department, 3232 Newmark Dr., Miamisburg, OH 45342-5421
 14192670 +PNC Bank, National Association, c/o PNC Mortgage, a division of PNC Bank, Attn: Bankruptcy Department, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14121948 +Saint Vincent Health Center, 232 W 25th Street, Erie, PA 16544-0001
 14121949 +Trident Asset Management, Po Box 888424, Atlanta, GA 30356-0424
 14121950 +Tsi/909, Po Box 17205, Wilmington, DE 19850-7205
 14121952 +UPMC/Hamot Hospital, 201 State Street, Erie, PA 16550-0001
 14121951 +United Consumer Financial Services, 865 Bassett Rd, Westlake, OH 44145-1194
 14167077 +Upmc Community Medicine, 6681 Country Club Drive, Golden Valley MN 55427-4601

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr E-mail/PDF: rmscedi@recoverycorp.com Aug 10 2016 01:44:07

Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
 14121936 E-mail/Text: susan@aeifinance.com Aug 10 2016 01:53:45
 American Enterprises International, Inc., American Enterprises International, Inc., Po Box 610, Germantown, WI 53022
 14121935 +E-mail/Text: EBNProcessing@afni.com Aug 10 2016 01:53:43 Afni, Attention: Bankruptcy, 1310 Martin Luther King Dr, Bloomington, IL 61701-1465
 14121938 +E-mail/Text: bankruptcies@escallate.com Aug 10 2016 01:53:25 Cds/Escallate LLC, Attn:Bankruptcy, 5200 Stoneham Rd Ste 200, North Canton, OH 44720-1584
 14121945 +E-mail/Text: bankruptcy@icsystem.com Aug 10 2016 01:53:49 IC System, Attn: Bankruptcy, 444 Highway 96 East, Po Box 64378, St. Paul, MN 55164-0378
 14121933 +E-mail/Text: cio.bncmail@irs.gov Aug 10 2016 01:53:29 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14162423 +E-mail/Text: Bankruptcy@natfuel.com Aug 10 2016 01:53:41 National Fuel, Legal Dept., P.O. Box 2081, Erie, PA 16512-2081
 14164591 E-mail/PDF: rmscedi@recoverycorp.com Aug 10 2016 01:44:07 Orion Portfolio Services LLC, c/o Recovery Management Systems Corp, 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605
 14121934 +E-mail/Text: RVSVBICNOTICE@state.pa.us Aug 10 2016 01:53:35 Pennsylvania Department of Revenue, Department 280946, Harrisburg, PA 17128-0001
 14122956 E-mail/PDF: rmscedi@recoverycorp.com Aug 10 2016 01:44:24 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
 14135105 +E-mail/Text: bnc@bass-associates.com Aug 10 2016 01:53:26 United Consumer Financial Services, Bass & Associates, P.C., 3936 E. Ft. Lowell Suite 200, Tucson, AZ 85712-1083

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 cr PNC Bank, National Association

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 11, 2016

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 28

Date Rcvd: Aug 09, 2016

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 9, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
Jeffrey G. Herman on behalf of Debtor Andrew C. Eliason JeffreyHerman@Live.com,
sebaldhermancalendar@gmail.com;attorneyjeffreyherman@gmail.com
Jeffrey G. Herman on behalf of Joint Debtor Marcy J. Eliason JeffreyHerman@Live.com,
sebaldhermancalendar@gmail.com;attorneyjeffreyherman@gmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5